

## OBJECTING TO THE SETTLEMENT

**Ryals v. Hireright Solutions Inc.**

**Civil action No. 3:09cv625**

**Isaac Ignacio**

Redacted

**Pomfret, CT**

Redacted

Redacted

**I am objecting to the proposed settlement on grounds that I feel it is inadequate and will do nothing to prevent companies like Hireright and Motor Carriers from participating in this DAC Reporting Blacklist process. The DAC Report is nothing more than a legalized Blacklist which allows Motor Carriers to make unproven accusations thus putting the accused Commercial Drivers on the defensive and leaving them the burden of proving their own innocence. Whatever happened to "Innocent until proven guilty"?**

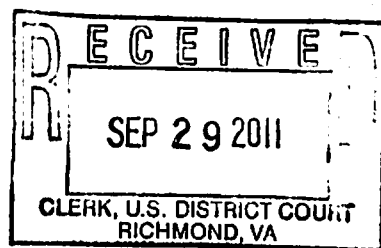
**Furthermore it is widely believed that the DAC Reporting process that is allowed under FMCSA 390.15, 391.12 and 391.53 violate the First, Second, Fourth, Fifth, Sixth and Fourteenth Amendments rights of Commercial Drivers that is afforded to them under the Constitution of the United States of America. For this reason DAC Reporting process should be revised to be in accordance with the U.S. Constitution.**

**This signed document qualifies as the required verification of the membership of Isaac Ignacio in the settlement class.**

**This document also informs the Court that a signed copy of this document has been mailed to both the Class Counsel: Leonard A. Bennett and the Defense Counsel: Dane H. Butwinkas.**

**I have also included other documentation that is relevant to my claim and objection to the settlement.**

**Isaac Ignacio 09/26/2011**



**Ryals v. HireRight Solutions, Inc. Settlement Administrator**  
**Post Office Box 4109**  
**Portland, OR 97208-4109**

# Claim Form

**Ryals v. HireRight Solutions, Inc.**  
**3:09cv625 (E.D. Va.)**



504206802564

000 0000330 00000000 001 001 00330 INS: 0 0

ISAAC IGNACIO

Your Unique Claim Number: Redacted
Redacted  
 POMFRET CT
Redacted

- If the Court approves the settlement and you do nothing, a check in the approximate amount of \$134.00 will automatically be mailed to you. If you instead submit this claim form for your actual damages and the claim is determined to be valid, you will receive a cash payment for your damages. The amount of the cash payment will be determined as described in Section 8.7.2 of the Settlement Agreement.
- The claim form must include some "proof" that you actually incurred damage or harm from an inaccurate DAC, USIS Commercial Services or HireRight Solutions consumer report. You do not need to prove the amount of your injury, only that it occurred. Completing and signing this form is an acceptable way to provide "proof" that you incurred damage or harm.
- Claims may be filed by deceased Actual Damages Claims Settlement Class Members through representatives of their estates. If you are submitting a claim on behalf of a deceased Settlement Class Member, you must submit appropriate documentation with this claim form demonstrating that you are duly authorized to do so.
- The deadline to submit a claim is 14 days following Final Approval. This deadline will be no earlier than November 17, 2011. The actual claim deadline will be posted when it becomes known at [www.DACClassAction.com](http://www.DACClassAction.com).

## Section I: Your Personal Information

(STOP! Do not complete this section if the preprinted information above is correct)

First Name ISAAC MI L Last Name IGNACIO

Mailing Address Redacted

City POMFRET State CT Zip Code Redacted

## Section II: Additional Information

Social Security Number (required) Redacted Date of Birth (required) Redacted Telephone Number (required) Redacted

Email Address (optional) \_\_\_\_\_

## Section III: Your Damages Information

I believe that I suffered actual damages from an inaccurate consumer report provided to my employer or my prospective employer by DAC, USIS Commercial Services or HireRight Solutions.

Name of Employer/Prospective Employer SWIFT TRANSPORTATION AND MCM TRANSPORT SERVICES INC.

As a result of the inaccurate consumer report (check all that apply):

- ☒ My employment application was denied (I did not get the job).
- ☐ I was terminated by my employer (I was fired).
- ☐ I was unable to obtain a security clearance or had such clearance delayed.
- ☐ I received the job or was not fired, but was required to explain the inaccurate consumer report or take other steps and/or suffered other harm from the inaccuracy.

*Please continue on reverse side.*

Questions? Call 1-877-854-4675 or visit [www.DACClassAction.com](http://www.DACClassAction.com)



**Section III: Your Damages Information (continued)**

**You must select one of the following two options.**

- ☐ A. I have included a letter or other document with this claim form from the employer listed above stating that I was fired, not hired or suffered some other adverse employment action. OR
- ☒ B. The following is my written explanation of the damages I suffered from the inaccurate consumer report provided to my employer or prospective employer by DAC, USIS Commercial Services or HireRight Solutions. This written explanation must be sufficient for the Settlement Administrator to confirm your claim.

I HAVE BEEN DENIED EMPLOYMENT RESULTING FROM  
UNLAWFUL TERMINATION BY J.B. HUNT TRANSPORT FOR "COMPANY  
POLICY VIOLATION". THIS HAS RESULTED IN AN OSHA INVESTIGATION  
FOR J.B. HUNT VIOLATING MY RESPONSIBILITY TO REFUSE AN  
UNSAFE MOTOR VEHICLE. BECAUSE OF J.B. HUNT AND  
HIRERIGHT INACCURATELY CLASSIFICATION OF MY TERMINATION  
AS "COMPANY POLICY VIOLATION" I HAVE SUFFERED DAMAGES OF  
LOSS OF WORK (POTENTIAL). I AM SEEKING UNDISCLOSED MONETARY  
COMPENSATION, REMOVAL OF ALL INFORMATION FROM MY DAC  
REPORT AND "COMPANY POLICY VIOLATION" RECLASSIFIED AS  
"MUTUAL CONCENT"

(Attach additional pages as needed.)

**Section IV: Signature**

My signature below certifies that to the best of my knowledge the information I have provided is truthful and correct.

Signature: 

Date: 09/26/2011

**Submitting Your Claim**

Claim Forms must be mailed to:

*Ryals v HireRight Solutions Settlement Administrator*  
P.O. Box 4109  
Portland, OR 97208-4109

You may also submit your claim online at [www.DACClassAction.com](http://www.DACClassAction.com).

Questions? Call 1-877-854-4675 or visit [www.DACClassAction.com](http://www.DACClassAction.com)

## Driver Discipline Form

Alpha Code: IGN11 Board Code: 31N Name: ISAAC IGNACIO  
Hire Date: 11/19/2007 Business Unit: DCS

Fleet Manager: Mark Pesce Safety Manager: Jason Hall  
Operations Manager: Andrew Ro Director: Michael Lupo

### Details of Current Violation

Date of Violation: 03/08/2010  
Choose Discipline Type: Company Policy Violation  
Please explain:

On February 20, 2010, we came to an agreement with Isaac that he would pre-trip his trailers on the working day before pending that trailer was available at the time. This agreement was created in order to give the office at least 24 hours notice to repair whatever mechanical issues that trailer may have had so it is eligible for a safe and legal dispatch.

Isaac was supposed to take trailer 84184 on load 8939485 on Monday, March 8, 2010. Per our agreement, Isaac performed a pre-trip inspection on this trailer on the previous working day on Saturday, March 6, 2010. Isaac brought to my attention that a couple lights were inoperable including a tail light and a directional light on passenger side of the trailer. At the time he brought this to my attention, I was unsure of what light he was talking about so I went out into the yard and looked at the trailer myself. My inspection of the trailer only saw the tail light. I grabbed the replacement bulb and told Isaac what I had found. We then both walked outside in the yard and found the trailer again, of which Isaac discovered that the directional light was indeed working. He fixed the tail light on his own and he left for the day.

On Monday, March 8, 2010, load 8939485 was supposed to dispatch by 0144. Isaac reported that the same directional light was out again that he had reported on Saturday, March 6, 2010. When Operations Supervisor Joe Guzman inspected the trailer himself, this light was indeed operable. I came in at approximately 0800 and had another driver hook up to this trailer and all the lights reported on Saturday were indeed in operation (see attached pictures).

This is the second time since January that Isaac refused a safe and legal dispatch. On the last notification on January 11, 2010, Isaac was informed that the next time he refused a safe and legal dispatch that he would be terminated.

### Current Action

What action is taking place as a result of the violation?  
Termination  
Comments:  
None

### Training

Choose up to five training/education programs to be completed:

Comments:

Sent to 380 screen: No

**Future Action**

What action will take place if the violation occurs again?

Termination  
Comments:  
None

	Signature	Date
Manager	<i>Mark Pesca/Corporate/JBHunt</i>	03/08/2010
Next Level Manager	<i>Christopher Morin/Corporate/JBHunt</i>	03/08/2010

**Employee Statement  
Driver Comments**

**Fax To:** Please enter your fax number here

Document's Author: Mark Pesca  
Last Updated By: Christopher Morin  
Date Created: 03/08/2010 02:02 PM  
Last Updated Date: 03/08/2010 02:30 PM

**Transportation Employment History****EMPLOYMENT HISTORY # 1**

Search Using: IGNACIO, I, xxx-xx-xxxx

EMPLOYMENT RECORD

08/19/2011 11:40

5310988752

Driver: IGNACIO, I

SSN: xxx-xx-xxxx

DOB:

Redacted

Contributed By:

Swift Transportation Sec  
Swift Transportation Sec  
2200 S 75th Ave  
Phoenix, AZ 85043

Phone: ( 800) 800- 2200

Original data received by DAC on:

04/ 03/ 2008

Period of Service:

From 03/ 2007 To 11/ 2007

License Number:

ELIGIBLE FOR REHIRE:

Review required before rehiring

REASON FOR LEAVING:

Resigned/Quit (or Driver Terminated Lease)

STATUS:

Company Driver

DRIVER'S EXPERIENCE:

Over the Road

EQUIPMENT OPERATED:

Dry Box

LOADS HAULED:

Gen. Commodity

WORK RECORD:

Satisfactory

**Accident/Incident Record**

Equipment was involved in an occurrence or act that produced unintended injury, death, property damage of any type, or resulted in the equipment requiring a tow (other than mechanical breakdown) while assigned to the driver regardless of fault. Adverse information is reported for 7 years.

Number of DOT Recordable accidents less than 7 years old: 0

Number of Non DOT Recordable Accidents/Incidents less than 7 years old: 1

Accident/Incident #

1

Date:

09/ 13/ 2007

DOT Recordable:

No

City, State:

YORK, PA

Injuries:

0

Fatalities:

0

Driver: ~~Using~~ IGNACIO, I, xxx-xx-xxxx

EMPLOYMENT RECORD 08/19/2011 11:40 5302338052

Driver: IGNACIO, I SSN: xxx-xx-xxxx DOB: Redacted

Contributed By: J B Hunt Transport Inc Phone: ( 479) 419- 3228  
 J B Hunt Transport Inc  
 Po Box 859  
 Lowell, AR 72745

Original data received by DAC on: 03/ 10/ 2010  
 Period of Service: From 11/ 2007To 03/ 2010  
 License Number:

ELIGIBLE FOR REHIRE:	Review required before rehiring
REASON FOR LEAVING:	Discharged (or Company Terminated Lease)
STATUS:	Company Driver
DRIVER'S EXPERIENCE:	Over the Road
EQUIPMENT OPERATED:	Van
LOADS HAULED:	Gen. Commodity
WORK RECORD:	Company Policy Violation

#### Accident/Incident Record

Equipment was involved in an occurrence or act that produced unintended injury, death, property damage of any type, or resulted in the equipment requiring a tow (other than mechanical breakdown) while assigned to the driver regardless of fault. Adverse information is reported for 7 years.

Number of DOT Recordable accidents less than 7 years old: 0

Number of Non DOT Recordable Accidents/Incidents less than 7 years old: 3

Accident/Incident #	1
Date:	02/ 23/ 2008
DOT Recordable:	No
City, State:	DAYVILLE, CT
Injuries:	0
Fatalities:	0
HAZMAT:	No
Description:	Dropped Trailer Preventable Accident/Incident

Accident/Incident #	2
Date:	04/ 14/ 2008
DOT Recordable:	No
City, State:	MOUNT KISCO, NY
Injuries:	0
Fatalities:	0
HAZMAT:	No
Description:	Left Turn Preventable Accident/Incident

Accident/Incident #	3
Date:	02/ 09/ 2009
DOT Recordable:	No
City, State:	QUEENS BORO, NY
Injuries:	0
Fatalities:	0
HAZMAT:	No
Description:	Hit by Other Non-Preventable Accident

No additional accident/incident information available.

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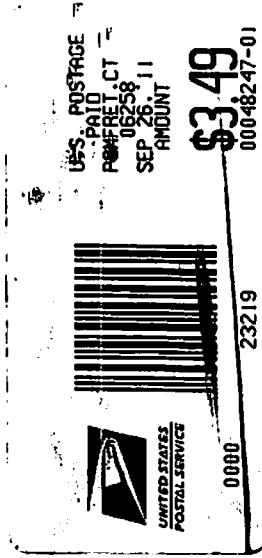
ISAAC IGNACIO  
[REDACTED]  
POWIFRET, CT  
[REDACTED]

UNITED STATES MAIL



7011 0470 0000 0453 6466

CLERK OF THE COURT  
UNITED STATES DISTRICT COURT  
701 EAST BROAD STREET  
RICHMOND, VA 23219



0000 23219

INSPECTED

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